

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANTHONY N. CALDERON,

Petitioner,

V.

LISA ANDERSON, Superintendent,
Monroe Correctional Complex, TRU,

Respondent.

CASE NO. 2:24-cv-01996-JNW

ORDER ADOPTING REPORT AND RECOMMENDATION

LISA ANDERSON, Superintendent,
Monroe Correctional Complex, TRU,

Respondent.

This matter comes before the Court on United States Magistrate Judge Brian

A. Tsuchida's Report and Recommendation. Dkt. No. 4. Judge Tsuchida

recommends that this Court dismiss Anthony Caldron's Petition for Habeas Corpus.

for the following reasons:

In sum, Petitioner's contention RCW 9A.44.020(1) violates the Fourteenth Amendment should be dismissed because (1) the habeas petition is time-barred; (2) Petitioner's untimely claim was never presented to the state courts and is unexhausted; . . . (3) Petitioner's contention RCW 9A.44.020(1) is an impermissible bill of attainder or treats him in a disparate manner is meritless; and (4) Contrary to Petitioner's claim that his conviction is based solely upon RCW 9A.44.020(1) which permits admission of the uncorroborated testimony of an alleged victim of a sex offense, his conviction was based upon the state trial court's admission of the testimony of adults who testified

1 about statements the victim made and which thus corroborated the
2 victim's testimony.

3 *Id.* at 9. Judge Tsuchida also recommends finding that equitable tolling is
4 unavailable because Calderon challenges a statute that he was aware of at the time
5 of trial and sentencing. *Id.*

6 No one has objected to the R&R and the time for objecting has passed. *See*
7 *generally* Dkt. Because there were no objections, the Court may adopt the R&R if it
8 is satisfied there are no clear errors on the face of the record.

9 Fed. R. Civ. P. 72(b) Advisory Committee's Note to 1983 Amendment. The Court
10 agrees with Judge Tsuchida's reasoning and recommendation that this case be
11 dismissed with prejudice.

12 Based on its review of the R&R and the remaining record, the Court finds
13 and ORDERS:

- 14 1) The Court ADOPTS the R&R. Dkt. No. 4.
- 15 2) This case is DISMISSED with prejudice.
- 16 3) A certificate of appealability is DENIED.
- 17 4) The Clerk is directed to send a copy of this Order and the accompanying
18 Judgment to Petitioner and to United States Magistrate Judge Brian A.
19 Tsuchida.

20 Dated this 27th day of March, 2025.

21 
22 Jamal N. Whitehead
23 United States District Judge